

September 21, 2020

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, September 21, 2020, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Grosse (late) and Council President Buscio. Also present were Mayor Amato, Administrator Camera, Attorney Staiger, and Planner Oris. Chief DiMichele and Engineer Dittenhofer attended the Caucus Meeting.

Township Clerk read the following Open Public Meetings Statement:

Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Law, adequate notice of this meeting has been given. This meeting is posted on the Bulletin board located in the corridor of this building and published in the **Newspapers** on January 10, 2020.

Councilman Guadagno led in the Pledge of Allegiance at the Caucus Meeting prior to this meeting with a moment of silence in memory of former Officer Roy A. DiPietro.

ROLL CALL:

PRESENT: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio
ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of the Official Minutes for *August 24, 2020*.

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio
NAY: None
ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of the Monthly Reports from ***Clerk, Code, Collector, Construction, Court, Fire, DPW O/T, Sanitation*** and ordered filed.

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio
NAY: None
ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of Resol. #20-349-R re: Bills & Payroll Bills **\$ 7,637,394.55** Payroll **\$ 1,607,530.91**
Total **\$9,244,925.46**
BERKELEY TWP SCHOOL TAXES \$ 2,473,500.00 CENTRAL REGIONAL TAXES \$ 2,033,228.75

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio
NAY: None
ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #20-29-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 35, ARTICLE 10, ENTITLED "DESIGN STANDARDS" TO ADDRESS THE REQUIREMENTS OF THE PLANNING AND IMPLEMENTATION AGENDA AS AGREED TO BY THE TOWNSHIP AT THE TIME OF PLAN ENDORSEMENT.** Council President Buscio read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council President invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilman Bacchione, seconded by Councilman Byrnes, to close the public hearing and adopt Ordinance **#20-29-OAB** (*to be found in full at the end of the minutes.*)

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ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #20-32-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, AMENDING VARIOUS SECTIONS OF CHAPTER II OF THE TOWNSHIP CODE ENTITLED "ADMINISTRATION."** Council President Buscio read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council President invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilman Bacchione, seconded by Councilman Byrnes, to close the public hearing and adopt Ordinance **#20-32-OAB** (*to be found in full at the end of the minutes.*)

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #20-33-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER XII, ENTITLED "FIRE PREVENTION AND PROTECTION", CREATING CHAPTER 13-3, ENTITLED "ALARM SYSTEMS; FALSE ALARMS."** Council President Buscio read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council President invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilman Bacchione, seconded by Councilman Byrnes, to close the public hearing and adopt Ordinance **#20-33-OAB** (*to be found in full at the end of the minutes.*)

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #20-36-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY SETTING THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEE TITLES (All Departments).** Council President Buscio read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council President invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilman Bacchione, seconded by Councilman Guadagno, to close the public hearing and adopt Ordinance **#20-36-OAB** (*to be found in full at the end of the minutes.*)

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

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On motion by Councilman Bacchione, seconded by Councilman Byrnes, approving the introduction of Ordinance **#20-37-OA re AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXXV OF THE REVISED GENERAL ORDINANCES OF BERKELEY TOWNSHIP, ENTITLED "LAND DEVELOPMENT", TO REFLECT BOTH RECOMMENDATIONS MADE BY THE GENERAL REEXAMINATION OF THE MASTER PLAN ADOPTED MAY 2, 2019 AND OTHER CHANGES DESIRED BY THE TOWNSHIP** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Guadagno, approving the introduction of Ordinance **#20-38-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXXV OF THE REVISED GENERAL ORDINANCES OF BERKELEY TOWNSHIP, ENTITLED "LAND DEVELOPMENT", TO REFLECT THE RECOMMENDATIONS MADE BY THE 2019 MASTER PLAN REEXAMINATION AND LAND USE PLAN AMENDMENTS** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Byrnes, approval of Resol. #20-350-R re: Consent Agenda (Resolutions #351-394).

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

1. Resol. #20-351-R re: AUTHORIZING A REFUND OF TITLE TRANSFER FEES TO JENNIFER FINTER FOR BLOCK: 4.70 LOTS: 58
2. Resol. #20-352-R re: AWARDING A TWO (2) YEAR CONTRACT (2021-2022) FOR THE PURCHASE OF PETERBILT TRUCK PARTS TO HUNTER JERSEY PETERBILT
3. Resol. #20-353-R re: AWARDING A CONTRACT FOR THE PROVISION OF RECAP TIRES, SERVICE AND REPAIRS (LINE ITEM/UNIT PRICE)
4. Resol. #20-354-R re: AWARDING A CONTRACT FOR THE MAINTENANCE AND REPAIR OF HVAC SYSTEMS TO PDM GROUP
5. Resol. #20-355-R re: AWARDING CONTRACTS FOR SNOW REMOVAL FOR THE YEARS 2021-2022 (JR Custom Landscaping)
6. Resol. #20-356-R re: AUTHORIZING REFUNDS TO INDIVIDUALS FOR RECREATION PROGRAMS (Senior Trips)
7. Resol. #20-357-R re: AUTHORIZING REFUNDS TO INDIVIDUALS FOR A RECREATION PROGRAM (Picnics & Sponsorship)
8. Resol. #20-358-R re: AUTHORIZING THE ADVERTISEMENT AND RECEIPT OF REQUEST FOR PROPOSALS FOR 2021 PROFESSIONAL SERVICES
9. Resol. #20-359-R re: UPDATING MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION (MRESC) COOPERATIVE PRICING LIST
10. Resol. #20-360-R re: UPDATING COUNTY OF OCEAN COOPERATIVE PURCHASING PROGRAM LIST
11. Resol. #20-361-R re: UPDATING STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM 1-NJCP LIST
12. Resol. #20-362-R re: AUTHORIZING THE USE OF SIX (6) GOLF CARTS TO THE LACEY TOWNSHIP SCHOOL DISTRICT ON FRIDAY, OCTOBER 23, 2020
13. Resol. #20-363-R re: APPROVING PICNIC APPLICATION

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14. Resol. #20-364-R re: AWARDING A THREE (3) YEAR CONTRACT WITH TWO (2) ONE YEAR OPTIONS FOR BANKING SERVICES FOR THE TOWNSHIP OF BERKELEY TO OCEANFIRST BANK
15. Resol. #20-365-R re: REQUESTING NOTIFICATION OF ALL RESIDENTIAL CUSTOMERS OF NEW JERSEY NATURAL GAS WHO ARE INVOLUNTARILY DISCONNECTED
16. Resol. #20-366-R re: AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF SEASIDE PARK FOR THE USE OF THE RECYCLING CENTER
17. Resol. #20-367-R re: AMENDING RESOLUTION #20-339-R AUTHORIZING AN AMENDMENT TO THE 2020 SCHEDULE "C" AGREEMENT
18. Resol. #20-368-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 4.147 LOT: 16 FOR A TOTALLY DISABLED VETERAN
19. Resol. #20-369-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 4.212 LOT: 30 FOR A TOTALLY DISABLED VETERAN
20. Resol. #20-370-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 9.21 LOT: 28 FOR A TOTALLY DISABLED VETERAN
21. Resol. #20-371-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 10.26 LOT: 33 FOR A TOTALLY DISABLED VETERAN
22. Resol. #20-372-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 534 LOT: 7 FOR A TOTALLY DISABLED VETERAN
23. Resol. #20-373-R re: AUTHORIZING THE BAYVILLE FIRST AID SQUAD TO HOLD COIN TOSSES ON MUNICIPAL ROADS
24. Resol. #20-374-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 1358, LOTS 26 & 28 (LAUREL STREET), TO ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2
25. Resol. #20-375-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 1358, LOTS 37 & 39 (MAPLE STREET), TO ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2
26. Resol. #20-376-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 491, LOT 17 (COOLIDGE AVENUE), TO ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2
27. Resol. #20-377-R re: AUTHORIZING CHANGES IN THE CHANGE FUND FOR THE DIVISION OF ZONING
28. Resol. #20-378-R re: AWARDING A CONTRACT FOR A PAYROLL SYSTEM TO ADP, INC
29. Resol. #20-379-R re: AUTHORIZING THE RELEASE OF INSPECTION FEES RELATED TO MONIES POSTED BY BUNKER HILL HOMES FOR BTC-490
30. Resol. #20-380-R re: AUTHORIZING THE RELEASE OF INSPECTION FEES RELATED TO MONIES POSTED BY BUNKER HILL HOMES FOR BTC-491
31. Resol. #20-381-R re: AWARDING A CONTRACT FOR THE 2020 NJDOT RECONSTRUCTION OF FORT DEFRANCE AVENUE TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$287,313.13
32. Resol. #20-382-R re: AWARDING A CONTRACT FOR THE IMPROVEMENTS TO BIABOU DRIVE TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$220,313.13
33. Resol. #20-383-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1505-33-001-005 ROBAL INC. T/A THE SHADY REST FOR THE 2020/2021 LICENSING TERM
34. Resol. #20-384-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1505-33-002-008 THEGROGS INC. T/A ROSATO'S PUB AND PIZZA FOR THE 2020/2021 LICENSING TERM
35. Resol. #20-385-R re: RENEWING PLENARY RETAIL DISTRIBUTION LICENSE #1505-44-003-005 MARGAUX M. D'ONOFRIO A POCKET LICENSE FOR THE 2020/2021 LICENSING TERM
36. Resol. #20-386-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE PRIVILEGE #1505-32-005-010 BERKELEY RETAIL LLC

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- T/A ACME DRAFT HOUSE & SPIRITS UNLIMITED FOR THE 2020/2021 LICENSING TERM
37. Resol. #20-387-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1505-33-009-010 BERKELEY FOOD & LIQUORS LLC T/A EBBY'S FOR THE 2020/2021 LICENSING TERM
 38. Resol. #20-388-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE # 1505-33-011-010 PINEWALD VILLA CORP AN INACTIVE LICENSE FOR THE 2020/2021 LICENSING TERM
 39. Resol. #20-389-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE # 1505-33-012-007 BDA AND K LLC T/A BILL'S BBQ SHACK FOR THE 2020/2021 LICENSING TERM
 40. Resol. #20-390-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1505-33-013-011 COAST WHISTLE STOP INC. T/A THE PIERHOUSE RESTAURANT FOR THE 2020/2021 LICENSING TERM
 41. Resol. #20-391-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1505-33-016-007 JJRH LLC T/A BUM ROGERS CRABHOUSE & TAVERN FOR THE 2020/2021 LICENSING TERM WITH SPECIAL CONDITIONS
 42. Resol. #20-392-R re: RENEWING PLENARY RETAIL DISTRIBUTION LICENSE #1505-44-020-005 NEW VISION LIQUORS LLC T/A SPIRITS UNLIMITED FOR THE 2020/2021 LICENSING TERM
 43. Resol. #20-393-R re: AUTHORIZING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1505-44-003-005 TO D'ONOFRIO MARGAUX M. A POCKET LICENSE TO HOLDING TIME, LLC
 44. Resol. #20-394-R re: REQUESTING THE OCEAN COUNTY NATURAL LANDS TRUST PARTICIPATE IN THE OPEN SPACE ACQUISITION OF CERTAIN PROPERTIES LOCATED IN BERKELEY TOWNSHIP (858, LOTS: 46.01 (HICKORY LANE)

Attorney Staiger noted that the following resolutions were added from the Caucus meeting prior to this meeting.

On motion by Councilman Byrnes, seconded by Councilman Bacchione, approval of Resol. #20-395-R re: OPPOSING RECREATIONAL MARIJUANA, CALLING FOR THE ENHANCEMENT OF A MEDICAL PROGRAM AND ENCOURAGING RESIDENTS TO VOTE NO ON THE REFERENDUM

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Byrnes, seconded by Councilman Bacchione, approval of Resol. #20-396-R re: REQUESTING NJDOT REPAVE ROUTE 9

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Signorile, seconded by Councilman Byrnes, approval of Resol. #Resol. #20-397-R re: URGING THE INSTITUTION OF MAXIMUM PENALTIES FOR ATTACKS AND CRIMES AGAINST POLICE OFFICERS

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Byrnes, seconded by Councilman Bacchione, approval of Resol. #20-398-R re: SUPPORTING THE PLACEMENT OF A NEW VETERANS ADMINISTRATION HEALTHCARE BUILDING IN TOMS RIVER

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ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of Resol. #20-399-R re: SUPPORTING THE OCEAN COUNTY FREEHOLDERS' CALL FOR JCP&L TO REIMBURSE OR CREDIT RATEPAYERS FOR LOSS OF FOOD CAUSED BY POWER OUTAGES

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Guadagno, approval of Resol. #20-400-R re: APPOINTING HOUSING AUTHORITY MEMBER #1 JAMES J. BYRNES TO FILL THE UNEXPIRED 5-YEAR TERM EXPIRING DECEMBER 31, 2022

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of Resol. #20-401-R re: AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE CENTRAL REGIONAL BOARD OF EDUCATION

On motion by Councilman Byrnes, seconded by Councilman Signorile, approval of Resol. #20-402-R re: Deny Deannexation

ROLL CALL:

AYE: Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

ABSTAIN: Bacchione

On motion by Councilman Bacchione, seconded by Councilman Byrnes, approval of Resol. #20-403-R re: REJECTING ALL BIDS RECEIVED FOR A TOWNSHIP SOLAR PROJECT AND AUTHORIZING A REBID

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno, Buscio

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Guadagno, to adjourn the meeting.

A voice vote was taken with no **NAYS** heard.

On motion by Councilman Byrnes, seconded by Councilman Grosse, to reconvene the meeting.

Mayor Amato advised of questions regarding Halloween.

On motion by Councilman Grosse, seconded by Councilman Bacchione, to allow Trick or Treating on October 31, 2020 between the hours of 12:00 Noon - 9:00 PM.

On motion by Councilman Grosse, seconded by Councilman Bacchione, to adjourn the meeting.

A voice vote was taken with no **NAYS** heard.

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Following are the Ordinances and Resolutions adopted by the Township Council and made a part of this meeting.

Beverly M. Carle
Township Clerk

Keith A. Buscio
Council President

13. Resol. #20-403-R re: